

106TH CONGRESS  
2D SESSION

# S. 2834

To authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry.

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## IN THE SENATE OF THE UNITED STATES

JUNE 30, 2000

Mr. KYL introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. CONVEYANCE OF LANDS TO THE GREATER**  
4       **YUMA PORT AUTHORITY.**

5       (a) AUTHORITY TO CONVEY.—

6               (1) IN GENERAL.—The Secretary of the Inte-  
7       rior, acting through the Bureau of Reclamation,  
8       may, in the 5-year period beginning on the date of

1 the enactment of this Act and in accordance with  
2 the conditions specified in subsection (b) convey to  
3 the Greater Yuma Port Authority the interests de-  
4 scribed in paragraph (2).

5 (2) INTERESTS DESCRIBED.—The interests re-  
6 ferred to in paragraph (1) are the following:

7 (A) All right, title, and interest of the  
8 United States in and to the lands comprising  
9 Section 23, Township 11 South, Range 24  
10 West, G&SRBM, Lots 1–4, NE $\frac{1}{4}$ , N $\frac{1}{2}$  NW $\frac{1}{4}$ ,  
11 excluding lands located within the 60-foot bor-  
12 der strip, in Yuma County, Arizona.

13 (B) All right, title, and interest of the  
14 United States in and to the lands comprising  
15 Section 22, Township 11 South, Range 24  
16 West, G&SRBM, East 300 feet of Lot 1, ex-  
17 cluding lands located within the 60-foot border  
18 strip, in Yuma County, Arizona.

19 (C) All right, title, and interest of the  
20 United States in and to the lands comprising  
21 Section 24, Township 11 South, Range 24  
22 West, G&SRBM, West 300 feet, excluding  
23 lands in the 60-foot border strip, in Yuma  
24 County, Arizona.

1 (D) All right, title, and interest of the  
 2 United States in and to the lands comprising  
 3 the East 300 feet of the Southeast Quarter of  
 4 Section 15, Township 11 South, Range 24  
 5 West, G&SRBM, in Yuma County, Arizona.

6 (E) The right to use lands in the 60-foot  
 7 border strip excluded under subparagraphs (A),  
 8 (B), and (C), for ingress to and egress from the  
 9 international boundary between the United  
 10 States and Mexico.

11 (b) DEED COVENANTS AND CONDITIONS.—Any con-  
 12 veyance under subsection (a) shall be subject to the fol-  
 13 lowing covenants and conditions:

14 (1) A reservation of rights-of-way for ditches  
 15 and canals constructed or to be constructed by the  
 16 authority of the United States, this reservation  
 17 being of the same character and scope as that cre-  
 18 ated with respect to certain public lands by the Act  
 19 of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945),  
 20 as it has been, or may hereafter be amended.

21 (2) A leasehold interest in Lot 1, and the west  
 22 100 feet of Lot 2 in Section 23 for the operation of  
 23 a Cattle Crossing Facility, currently being operated  
 24 by the Yuma-Sonora Commercial Company, Incor-  
 25 porated. The lease as currently held contains 24.68

1        acres, more or less. Any renewal or termination of  
2        the lease shall be by the Greater Yuma Port Author-  
3        ity.

4            (3) Reservation by the United States of a 245-  
5        foot perpetual easement for operation and mainte-  
6        nance of the 242 Lateral Canal and Well Field along  
7        the northern boundary of the East 300 feet of Sec-  
8        tion 22, Section 23, and the West 300 feet of Sec-  
9        tion 24 as shown on Reclamation Drawing Nos.  
10       1292-303-3624, 1292-303-3625, and 1292-303-  
11       3626.

12           (4) A reservation by the United States of all  
13        rights to the ground water in the East 300 feet of  
14        Section 15, the East 300 feet of Section 22, Section  
15        23, and the West 300 feet of Section 24, and the  
16        right to remove, sell, transfer, or exchange the water  
17        to meet the obligations of the Treaty of 1944 with  
18        the Republic of Mexico, and Minute Order No. 242  
19        for the delivery of salinity controlled water to Mex-  
20        ico.

21           (5) A reservation of all rights-of-way and ease-  
22        ments existing or of record in favor of the public or  
23        third parties.

24           (6) A right-of-way reservation in favor of the  
25        United States and its contractors, and the State of

1 Arizona, and its contractors, to utilize a 33-foot  
2 easement along all section lines to freely give ingress  
3 to, passage over, and egress from areas in the exer-  
4 cise of official duties of the United States and the  
5 State of Arizona.

6 (7) Reservation of a right-of-way to the United  
7 States for a 100-foot by 100-foot parcel for each of  
8 the Reclamation monitoring wells, together with un-  
9 restricted ingress and egress to both sites. One mon-  
10 itoring well is located in Lot 1 of Section 23 just  
11 north of the Boundary Reserve and just west of the  
12 Cattle Crossing Facility, and the other is located in  
13 the southeast corner of Lot 3 just north of the  
14 Boundary Reserve.

15 (8) An easement comprising a 50-foot strip  
16 lying North of the 60-foot International Boundary  
17 Reserve for drilling and operation of, and access to,  
18 wells.

19 (9) A reservation by the United States of  $15/16$   
20 of all gas, oil, metals, and mineral rights.

21 (10) A reservation of  $1/16$  of all gas, oil, metals,  
22 and mineral rights retained by the State of Arizona.

23 (11) Such additional terms and conditions as  
24 the Secretary considers appropriate to protect the  
25 interests of the United States.

1 (c) CONSIDERATION.—

2 (1) IN GENERAL.—As consideration for the con-  
 3 veyance under subsection (a), the Greater Yuma  
 4 Port Authority shall pay the United States consider-  
 5 ation equal to the fair market value on the date of  
 6 the enactment of this Act of the interest conveyed.

7 (2) DETERMINATION.—For purposes of para-  
 8 graph (1), the fair market value of any interest in  
 9 land shall be determined—

10 (A) taking into account that the land is  
 11 undeveloped, that 80 acres of the land is in-  
 12 tended to be dedicated to use by the Federal  
 13 Government for Federal governmental purposes,  
 14 and that an additional substantial portion of  
 15 the land is dedicated to public right-of-way,  
 16 highway, and transportation purposes; and

17 (B) deducting the cost of compliance with  
 18 applicable Federal laws pursuant to subsection  
 19 (e).

20 (d) USE.—The Greater Yuma Port Authority and its  
 21 successors shall use the interests conveyed solely for the  
 22 purpose of the construction and operation of an inter-  
 23 national port of entry and related activities.

24 (e) COMPLIANCE WITH LAWS.—Before the date of  
 25 the conveyance, actions required with respect to the con-

1 veyance under the National Environmental Policy Act of  
 2 1969 (42 U.S.C. 4321 et seq.), the Endangered Species  
 3 Act of 1973 (16 U.S.C. 1531 et seq.), the National His-  
 4 toric Preservation Act (16 U.S.C. 470 et seq.), and other  
 5 applicable Federal laws must be completed at no cost to  
 6 the United States.

7 (f) USE OF 60-FOOT BORDER STRIP.—Any use of  
 8 the 60-foot border strip shall be made in coordination with  
 9 Federal agencies having authority with respect to the 60-  
 10 foot border strip.

11 (g) DESCRIPTION OF PROPERTY.—The exact acreage  
 12 and legal description of property conveyed under this sec-  
 13 tion, and of any right-of-way that is subject to a right  
 14 of use conveyed pursuant to subsection (a)(2)(E), shall be  
 15 determined by a survey satisfactory to the Secretary. The  
 16 cost of the survey shall be borne by the Greater Yuma  
 17 Port Authority.

18 (h) DEFINITIONS.—

19 (1) 60-FOOT BORDER STRIP.—The term “60-  
 20 foot border strip” means lands in any of the Sec-  
 21 tions of land referred to in this Act located within  
 22 60 feet of the international boundary between the  
 23 United States and Mexico.

24 (2) GREATER YUMA PORT AUTHORITY.—The  
 25 term “Greater Yuma Port Authority” means Trust

1       No. 84–184, Yuma Title & Trust Company, an Ari-  
2       zona Corporation, a trust for the benefit of the  
3       Cocopah Tribe, a Sovereign Nation, the County of  
4       Yuma, Arizona, the City of Somerton, and the City  
5       of San Luis, Arizona, or such other successor joint-  
6       powers agency or public purpose entity as unani-  
7       mously designated by those governmental units.

8               (3) SECRETARY.—The term “Secretary” means  
9       the Secretary of the Interior, acting through the Bu-  
10      reau of Reclamation.

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